

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, December 15, 2009

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris, Craig Turco and Rick Downey

Staff Present: Richard Matranga, Gary Ghio, Dale Mendenhall, Melisa Ralston, David Hanham and Mary Kelly

4:45 P.M. CALL TO ORDER

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL

Existing litigation – Jones vs. City of Angels, Case #CV35497

5:00 ABATEMENT ITEMS

COMPLIANCE ISSUES WITH ORDER OF ABATEMENT – LODE HOTEL – Tim Ashlock, Owner Lode Hotel

Mr. Ashlock provided the Council with a handout showing the progress made since the December 1st meeting and a timeline for completion of the project. The project is close to being done, but he needs more time to complete. Steve Flaigg, Building Inspector said it was his opinion that there was 2/3 of work left to be done on the project. The Council voiced their frustration in the continued delays and extensions provided to Mr. Ashlock. Mr. Ashlock said he will commit to having the Hotel abatement issues completed by January 5th. He will hire extra workers if needed.

MOTION by Council Member Turco, seconded by Council Member Downey and carried 3-2 WITH COUNCIL MEMBERS MORRIS AND BOEDING VOTING ‘NO’ TO ALLOW AN EXTENSION TO MR. TIM ASHLOCK FOR COMPLETION OF ABATEMENT WORK AT THE LODE HOTEL. IF ABATEMENT ISSUES STILL EXIST JANUARY 5, 2010, COUNCIL WILL DIRECT THE CITY ATTORNEY TO BEGIN ABATEMENT PROCESS.

Roll Call: Morris {No}, Boeding {No}, Turco {Yes}, Downey {Yes} and Lynch {Yes}

Direction: Staff to send letter to Mr. Ashlock with above motion

Direction: Item to be continued to January 5, 2010 Council meeting

Direction: Abatement process to be detailed on agenda item

NUISANCE ABATEMENT (continued from 9/1/09 CC meeting) – Olen Murphy

The City Code Enforcement Officer reported that the nuisance abatement still exists as the vehicles in question have not been removed as ordered in the citation dated June 26, 2009.

MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0 DIRECTING THE CITY CODE ENFORCEMENT OFFICER TO ABATE THE NUISANCE DETAILED IN THE ADMINISTRATIVE CITATION DATED JUNE 26, 2009 PURSUANT TO CHAPTER 2.60 OF THE CITY OF ANGELS MUNICIPAL CODE

Recess

6:00p.m. RECONVENE TO REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

Existing litigation – Jones vs. City of Angels Camp, Case #CV35497

Council Action: To be announced at the January 5, 2009 Council meeting

APPROVAL OF AGENDA

Agenda was approved by consensus

STAFF UPDATES

Dave Hanham – Planning Director

- Have received 12 proposals for the Angels Creek Master Plan and Trail project. These are being reviewed by planning, Amy Augustine and Tyler Summersett
- Housing Element – should be receiving word from HCD within 60 days

Dale Mendenhall – Police Chief

- Reviewed staff report provided in packet.

Melisa Ralston – Finance Officer

- Provided Council with a breakdown of engineering invoices and water system statistics

COUNCIL UPDATES

Council Member Downey

- Attended CCOG and Personnel/Finance
- Will be attending Facilities/Infrastructure

Council Member Turco

- Discussed at Personnel/Finance: Discussion on City name. Discussed a business planning/fiscal timeline to be provided by staff

Mayor Lynch

- Participated in the holiday parade
- Met with Senator Cox regarding preserving the oak trees at CalFire
- He and Council Member Downey met with Joe Spano from Public Health regarding the 4th filter and citation. He provided a formal letter to Spano requesting an extension.

Direction: Staff to provide Council with copies of presentation given to Mr. Spano

PUBLIC COMMENT

Janet Bailey – Angels Camp resident

Asked if the City had any requirements to clean the public sidewalks and parking lots of snow. Noticed that the City parking lot was cleared.

Steve Difu – 576 Sasa

- Asked if there was a reaction received when presentation was given to Mr. Spano. Council member Downey felt that at first Mr. Spano was skeptical, but further into the presentation he believes they saw the problems.
- Noted that the workshop for discussion on an interim administrator has been cancelled. Suggested that an interim was not needed at this point if things are running well.

CONSENT AGENDA

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 5-0 ADOPTING THE CONSENT AGENDA:

- a. Minutes of Regular meeting – December 1, 2009
- b. **MOTION** to pay bills

REGULAR AGENDA

1. CDBG 2009 TECHNICAL ASSISTANCE APPLICATION FOR WASTEWATER MASTER PLAN – Terry Cox, Cox Consulting

Terry explained that a public hearing on the technical assistance grant has already been held and the Council approved a resolution at that time. The submittal date of the application was late and the local match was increased from 15% to 21%. She requested Council approve a revised resolution.

MOTION by Council Member Turco, seconded by Council Member Downey and carried 5-0 ADOPTING RESOLUTION NO. 09-52. A RESOLUTION APPROVING AN APPLICATION APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE PLANNING/TECHNICAL ASSISTANCE ALLOCATION OF THE STATE CDBG PROGRAM

2. CITY OF ANGELS SPONSORSHIP OF WEDECO ULTRAVIOLET SYSTEM APPROVAL WITH DEPARTMENT OF PUBLIC HEALTH(referred to Council by Facilities /Infrastructure committee) – Gary Ghio, City Engineer

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 5-0 APPROVING CITY SPONSORSHIP OF WEDECO FOR UV SYSTEM VALIDATION REVIEW BY THE DEPARTMENT OF PUBLIC HEALTH

3. 2010 SEWER REHABILITATION PROJECT PRESENTATION – Gary Ghio, City Engineer

The City Engineer gave a PowerPoint presentation reviewing future sewer repair projects and their costs.

Item # 7 was moved forward for discussion at this time

7. VARIOUS BOARD AND COMMISSION APPOINTMENTS – Mayor/City Council

MOTION by Council member Turco, seconded by Council Member Downey and carried 5-0 APPROVING THE COUNCIL MEMBERS APPOINTMENTS TO VARIOUS CITY BOARDS, COMMITTEES AND/OR COMMISSIONS

4. ACCEPTING GREENHORN CREEK PUBLIC STREETS INTO THE CITY MAINTAINED STREET SYSTEM – Richard Matranga, City Attorney

MOTION by Council Member Turco, seconded by Council Member Downey and carried 5-0 ADOPTING RESOLUTION NO. 09-53. A RESOLUTION ACCEPTING PUBLIC STREETS LOCATED IN THE GREENHORN CREEK PLANNED UNIT DEVELOPMENT INTO THE CITY MAINTAINED STREET SYSTEM with the following corrections:

(a) 5th paragraph beginning with “Now, therefore, be it resolved that the City Council hereby accepts said streets into the City....” Be changed to read: “Now, therefore, be it resolved that the City Council hereby accepts said streets, including parking areas adjacent thereto, into the City....”

(b) Exhibit ‘A’ to be amended to include author and date and it be noted that Blair Mine Court is currently known as El Dorado Court.

Roll Call: Morris {Yes}, Boeding {Yes}, Turco {Yes}, Downey {Yes} and Lynch {Yes}

5. AMENDMENT TO THE HIGHWAY 4 RELINQUISHMENT AGREEMENT – Dave Hanham, Planning Director

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 5-0 APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN CALTRANS AND THE CITY OF ANGELS FOR RELINQUISHMENT OF THAT PORTION OF HIGHWAY 4 BYPASSED BY THE NEW REALIGNED STATE ROUTE 4

6. **PUBLIC HEARING: ADOPT ORDINANCE #441 AMENDING CHAPTER 14.75 OF THE ANGELS CAMP MUNICIPAL CODE: DRILLING FOR WATER** – Dave Hanham, Planning

Director

7:38 Public Hearing Opened

Mayor Lynch asked if there were any public comments regarding this item.

John Teichnor – Angels Camp Resident

Stated that he applied for a well using the City permit process. His application was brought to Council but no decision has been made. He asked if there is a plan in place for a water resources plan. Planning Director Hanham explained that there is a water master plan.

Steve Fairchild – 1448 Vallecito Road

Stated that his deed does not show where water rights have been given up by the property owner. The City Attorney explained that the City has a broad authority to protect the health and safety for the citizens. This would be discussed under the conditional use permit when the application is presented to the Planning Commission.

7:50 Public Hearing Closed

Council Member Downey requested that the wording in the Ordinance “...*if in it’s opinion...*” be changed to read “...*if determined by a preponderance of evidence...*”. After discussion by the Council it was agreed that the wording “*in it’s opinion*” shall be changed to read “...*if it determines...*” Council Member Boeding voiced his concerns with the cost of fees which are not refunded if the application is denied.

MOTION by Council Member Turco, seconded by Council Member and carried 4-1- 0 with Council Member Boeding voting “NO” ADOPTING ORDINANCE #441 - AMENDING CHAPTER 14.75, SECTION 14.75.010 OF THE ANGELS CAMP MUNICIPAL CODE – DRILLING FOR WATER (INTRODUCED NOVEMBER 17, 2009)

MEETING ADJOURNED AT 8:15 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk